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10 February 1956

MEMORANDUM FOR: Mr. Houston

SUBJECT: CIA Building - Transfer of Property

1. You requested me to determine what steps seem necessary to transfer to CIA a portion of the Bureau of Public Roads' tract of land. I talked to Mr. S. Z. Phillips, attorney for the Bureau of Public Roads by telephone. After checking internally, he advised me as follows: It is his opinion that in order for the Bureau to transfer the property to us they must declare it surplus, since this is what GSA has required of them in previous transfers. At my suggestion, however, he agreed that a letter from the Secretary of Commerce to the Director, stating that the property was surplus to the needs of the Bureau and transferring it to the Agency, would be sufficient, if acceptable to GSA.

2. I did not check any further at this time, in order to avoid giving rise to premature comment, but I believe it would be wise to check further not only with GSA but with the Department of Justice prior to effecting the transfer.

3. The right-of-way entering the site from the south is not under the control of the Bureau of Public Roads, but under that of the National Park Service, as noted in my memorandum of 22 September 1955. Presumably, if acceptable to Interior, a letter from the Secretary of the Interior similar to that described above, should accomplish the transfer. There had been some discussion by Mr. Cheatham when he was General Counsel of the NCPC about a desire on the part of the Commission to make this a through access road to the Parkway. From our point of view, this might be most undesirable. I believe that this thinking of the Commission was dictated by the belief that the deed under which the property was conveyed requires such use, a belief we have held incorrect due to the merging of interests in the Government under the 1936 and 1940 deeds. I have not investigated the question of recordation in Virginia, but I should not think any necessary because the title is presently in the Government of the United States rather than in any particular agency thereof, and what we propose is a transfer of control, not of title.

4. The question of Federal vis-à-vis State jurisdiction remains open. As I noted in my memorandum of 22 September, there appears to

ONLY

24

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be a limited concurrent Federal jurisdiction in the right-of-way, but there is none in the Bureau of Public Roads tract. After control has been transferred to us, so that we are the Agency exercising jurisdiction on behalf of the Federal Government, we can accept this same limited concurrent jurisdiction in the Bureau of Public Roads property, as provided in R.S. 355 (40 U.S.C. 255). This limited jurisdiction is for the regulation of traffic, protection of property and the operation and administration thereof. An additional concurrent criminal jurisdiction can be secured by agreement between the Director on the one hand and the Governor and Attorney General of Virginia on the other. If the Director, in the near future, should direct correspondence to the Governor regarding this property, it is recommended that some mention be made of this question of jurisdiction and that this Office be consulted in the drafting of appropriate language.

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Assistant General Counsel

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